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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/058,233

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Brent A. Lowensohn

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7590

03/01/2006

Charles G. Call
68 Horse Pond Road
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EXAMINER

PERUNGAVOOR, VENKATANARAY

ART UNIT

PAPER NUMBER

2132

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/058,233

Applicant(s)

LOWENSOHN ET AL.

Examiner

Venkatanarayanan Perungavoor

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 90-116 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 90-94, 98-101, 103-108 and 110-116 is/are rejected.
- 7) ☒ Claim(s) 95-97, 102 and 109 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

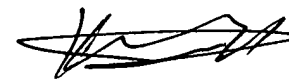
Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


KAMBIZ ZAND
PRIMARY EXAMINER

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. The Applicant's arguments regarding Claim 90 is not persuasive. As De La Huerga(U.S. Patent 5,883,576) discloses both radio device and infrared device see Col 13 Ln 3-13, where De Le Huerga suggests of an secondary device further discloses the Col 14 Ln 36-39 & Col 10 Ln 11-16.
2. The Applicant's arguments regarding Claims 91-93, 98-99 and 110-115 are not persuasive. As De La Huerga discloses the audible alarm see Col 11 Ln 54-65 which is responsive to transmitting or receiving signal(which could reasonably include removal) and further the detection of removal Col 14 Ln 4-15 & Col 9 Ln 41-51. A reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art, including nonpreferred embodiments. *Merck & Co. v. Biocraft Laboratories*, 874 F.2d 804, 10 USPQ2d 1843(Fed. Cir.), cert. Denied, 493 U.S. 975(1989). See also *Celeritas Technologies Ltd. v. Rockwell International Corp.*, 150 F.3d 1354, 1361, 47 USPQ2d 1516, 1522-23(Fed. Cir. 1998) (The court held that the prior art anticipated the claims even though it taught away from the claimed invention.)
3. The Applicant's arguments regarding Claim 100 is not persuasive. As De La Huerga discloses the use of patient information(password) stored in memory to compare see Col 12 Ln 16-24. And further, *In re Zletz*, 893 F.2d 319, 321-22, 13

USPQ2d 1320, 1322 (Fed. Cir. 1989), "During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed... An essential purpose of patent examination is to fashion claims that are precise, clear, correct and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process".

4. The Applicant's arguments regarding Claim 107 is not persuasive. As De La Huerga discloses both radio and infrared device see above argument for Claim 90.
5. The Applicant's arguments regarding Claim 95-97, 102 and 109 are persuasive. And therefore 35 USC § 103(a) rejection has been withdrawn.
6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

7. Claims 90-94, 98-101, 103-108, 110-116 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,883,576 De La Huerga(hereinafter Huerga).

8. Regarding Claim 90, Huerga discloses the a portable communication device worn on the body of person for including a memory for storing identification data see Fig. 10 item 140; a first radio device and a second radio device for detecting the presence of first within radio range see Col 4 Ln 14-25 & Col 4 Ln 39-43 & Col 2 Ln 65- Col 3 Ln 17; a first infrared device and the second infrared device for detecting presence of first infrared device see Col 10 Ln 31-40 & Col 10 Ln 11-21& Col 15 Ln 5-12; a computing system for performing functions see Fig. 10 item 240.
9. Regarding Claim 91-93,110-115, Huerga discloses the detection of the portable communications unit removal from the body and erasing the data contained within the unit and communicating with the processor about the removal Col 14 Ln 4-15 & Col 9 Ln 41-51.
- 10.Regarding Claim 94, 101, 108, Huerga discloses the verifying of identity of person before storing identification data in memory see Col 11 Ln 7-28.
- 11.Regarding Claim 98-99, Huerga discloses the audible alarm unit being activated in response to the removal of communications unit see Col 11 Ln 54-65.

12. Regarding Claim 100, Huerga discloses the use of passwords to be used to compare and verification see Col 12 Ln 16-24.
13. Regarding Claims 103-106, Huerga discloses the retrieving of identification information and communicating the information to the authorized person Col 14 Ln 16-28.
14. Regarding Claim 116, Huerga discloses the notification when the person is not authorized to be in an area see Col 15 Ln 43-62.
15. Regarding Claim 107, Huerga discloses communication between base station and first and second radio devices using radio or infrared or both see Col 10 Ln 22-30 & Col 13 Ln 41-44.

Allowable Subject Matter

16. Claims 95-97, 102, and 109 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkatanarayanan Perungavoor whose telephone number is 571-272-7213. The examiner can normally be reached on 8-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Venkatanarayanan Perungavoor
Examiner
Art Unit 2132

VP
2/24/2006


KAMBIZ ZAND
PRIMARY EXAMINER